

RESOLUTION NO.: 2021-25

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN THE LETTER OF CONCURRENCE WITH DETERMINATION OF DE MINIMIS USE FOR TOWN PROPERTIES ADJACENT TO THE STATE ROUTE 8 IMPROVEMENT PROJECT.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to sign and submit the attached letter of concurrence with determination of de minimis use for Town properties adjacent to the State Route 8 improvement project.



Charles Poss, Mayor



Recorder

2-8-21

Date

2-8-21

Date



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

ENVIRONMENTAL DIVISION
SUITE 900, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
(615) 741-3655

CLAY BRIGHT
COMMISSIONER

BILL LEE
GOVERNOR

January 14, 2021

Mr. Boyd Veal
Town Manager
Town of Signal Mountain
1111 Ridgeway Avenue
Signal Mountain, TN 37377

Re: Proposed improvements to State Route (SR) 8 (US 127) from Near Suck Creek Road (SR-27) in the City of Chattanooga to Near Palisades Drive in Signal Mountain (TDOT PIN 124080.00), Hamilton County, Tennessee
Intent to Make a Section 4(f) De Minimis Determination for Rainbow Lake Natural Preserve, Coolidge Park, and One Designated Natural Area Park

Dear Mr. Veal:

The SR-8 (US-27) project proposes to make spot improvements for drainage and slope stability purposes along SR-8 (Signal Mountain Road) from near Suck Creek Road to near Palisades Drive. The purpose of this letter is to inform the Town of Signal Mountain, as the official with jurisdiction over the properties described below, that the Federal Highway Administration (FHWA) is proposing to make a de minimis determination regarding the potential need for acquisition of property from Rainbow Lake Natural Preserve, Coolidge Park, and one of the Town's designated Natural Area Parks. In addition, the proposed project would require a construction easement from RLNP. RLNP, Coolidge Park, and the Natural Area Park are owned by the Town of Signal Mountain and are adjacent to SR-8 in the proposed project area. Activities on these parcels are limited to passive recreational purposes. In addition, the three parks are part of a conservation easement held by the Tennessee Land Trust.

The anticipated right-of-way and easement information is presented below.

Rainbow Lake Natural Preserve

- The main part of the 230-acre park is west of the project area.
- Approximately 0.13 acre of right-of-way is needed for drainage improvements, which represents approximately 0.057 percent of park property.
- Based on preliminary information, the right-of-way acquisition is not anticipated to adversely affect the recreational activities, features, and attributes of the park.
- Approximately 325 square feet (approximately 0.01 acre) of park property is needed for a construction easement, which would be restored following completion of construction.

Coolidge Park

- The park is 9.7 acres with a pull-off along SR-8. A parking lot and trail access are located on Palisades Drive to the east of the project.
- Approximately 3,711 square feet (approximately 0.09 acre) of right-of-way is needed for drainage improvements, which represents approximately 0.928 percent of park property.
- Based on preliminary information, the right-of-way acquisition is not anticipated to adversely affect the recreational activities, features, and attributes of the park.

Natural Area Park

- The unnamed park is 1.8 acres, immediately adjacent to the southern boundary of Coolidge Park and immediately adjacent to SR-8.
- Approximately 3,416 square feet (approximately 0.08 acre) of right-of-way is needed for drainage improvements, which represents approximately 4.44 percent of park property.
- Based on preliminary information, the right-of-way acquisition is not anticipated to adversely affect the recreational activities, features, and attributes of the park.

The Department of Transportation Act of 1966 includes a special provision-Section 4(f)-which stipulates that FHWA and other Department of Transportation agencies cannot approve the use of land from publicly owned parks, recreation areas and wildlife/waterfowl refuges unless the following conditions apply:

- There is no feasible and prudent alternative to the use of land; and the action includes all possible planning to minimize harm to the property resulting from such use;
- OR
- FHWA determines that the use of the property will have a de minimis impact.

On November 9, 2020, TDOT provided the Town of Signal Mountain with a notice of its intent to make a Section 4(f) *de minimis* determination for Rainbow Lake Natural Preserve, Coolidge Park, and one designated Natural Area Park. On November 18, 2020 that notice was followed with an email correcting the percentages of each park affected. On November 20, 2020 a public notice was placed in the *Chattanooga Times Free Press* informing the public of the proposal to make a *de minimis* determination regarding the effect of the proposed State Route 8 project on a portion of Rainbow Lake Natural Preserve, Coolidge Park, and one designated Natural Area Park and providing the opportunity for public review and comment on the proposed determination. The public comment period ended on December 11, 2020. No comments were received regarding the proposed determination.

Copies of the draft *Determination of Section 4(f) De Minimis Use* documents for the three parks are attached for your review. If the Town of Signal Mountain concurs with the determination that the project will not adversely affect the activities, features, or attributes that make the properties eligible for Section 4(f) protection, please sign the attached concurrence form and return to the address on the form. Upon receipt of the signed form, the *Determination of Section 4(f) De Minimis Use* documents will be submitted to the Federal Highway Administration (FHWA) for approval.

If you have any questions or concerns, please feel free to contact me at 615-313-3764 or Kimberly.Vasut-Shelby@tn.gov.

Sincerely,

Kimberly Vasut-Shelby

Digitally signed by Kimberly Vasut-Shelby
Date: 2021.01.14 11:59:35 -06'00'

Kimberly Vasut-Shelby
Environmental Supervisor
attachments

Concurrence with Determination of *de minimis* Use

As the official with jurisdiction (OWJ) over Rainbow Lake Natural Preserve, Coolidge Park, and the natural area park, I concur that the project will not adversely affect the activities, features, or attributes that make the properties eligible for Section 4(f) protection, and the impacts to Rainbow Lake Natural Preserve, Coolidge Park, and the natural area park are *de minimis* (minor).

Signature: 

Date: 02-09-21

Title: Town Manager

After signing and dating this letter, please return a copy to:

Kimberly Vasut-Shelby
Tennessee Department of Transportation
Environmental Division
Suite 900, James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243-1402
Kimberly.Vasut-Shelby@tn.gov